

***IN THE DISTRICT COURT OF THE UNITED STATES***

***For the Western District of New York***

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**MAY 2011 GRAND JURY  
(Impaneled 5/06/11)**

**THE UNITED STATES OF AMERICA**

**-vs-**

**INDICTMENT**

**JUAN LOPEZ**

(Counts 1-7),

**ROBERT REED**

(Counts 1, 2),

**JAQUELINE RUNYAN**

(Counts 1, 3),

**TRISHA AMIDON**

(Counts 1, 4),

**ROBERT JOHNSON**

(Counts 1, 2),

**MISTY MIHALKO**

(Counts 1, 2),

**AMY HOLLINGSWORTH**

(Count 1), and

**BRETT ABRAMS a/k/a Redeye**

(Count 8)

**Violations:**

Title 18, United States Code, Sections 371,  
922(a)(3), 922(g)(1), 922(j), 924(c)(1) and 2;  
Title 21, United States Code, Section 846.  
(8 Counts and Forfeiture Allegation)

**COUNT 1**

**(Conspiracy to Commit Firearms Offenses)**

**The Grand Jury Charges That:**

1. Between in or about March 2008 and in or about August 2009, the exact dates being unknown, in the Western District of New York, and elsewhere, the defendants, **JUAN LOPEZ, ROBERT REED, JAQUELINE RUNYAN, TRISHA AMIDON, ROBERT JOHNSON, MISTY MIHALKO** and

**AMY HOLLINGSWORTH**, did knowingly, willfully and unlawfully combine, conspire and agree together and with others, known and unknown, to commit offenses against the United States, that is,

(a) not being licensed importers, manufacturers, dealers and collectors of firearms, within the meaning of Chapter 44 of Title 18, United States Code, to willfully transport into, and receive in, the State where defendant **JUAN LOPEZ** resided, to wit, the State of New York, firearms purchased and otherwise obtained outside of the State of New York, to wit, in the State of Pennsylvania, in violation of Title 18, United States Code, Section 922(a)(3); and

(b) in connection with the acquisition of firearms from licensed dealers of firearms, within the meaning of Chapter 44 of Title 18, United States Code, to knowingly make false and fictitious written statements that were intended and likely to deceive the licensed dealers with respect to a fact material to the lawfulness of the sale of a firearm under Chapter 44 of Title 18, United States Code, in violation of Title 18, United States Code, Section 922(a)(6).

#### **OVERT ACTS**

2. In furtherance of the conspiracy and to effect the objects thereof, within the Western District of New York, and elsewhere, the defendants, **JUAN LOPEZ, ROBERT REED, JAQUELINE RUNYAN, TRISHA AMIDON, ROBERT JOHNSON, MISTY MIHALKO** and **AMY**

**HOLLINGSWORTH**, and others, known and unknown, committed, and caused to be committed, the following overt acts, among others:

a. Between in or about March 2008 and in or about June 2008, the exact dates being unknown, defendant **AMY HOLLINGSWORTH** attempted to purchase a firearm for defendant **JUAN LOPEZ** from Allegheny Arsenal, located in Bradford, Pennsylvania.

b. Between in or about June 2008, the exact date being unknown, and on or about January 1, 2009, defendants **ROBERT REED** and **JUAN LOPEZ** attempted to purchase an UZI semi-automatic rifle from All in One Sports, located in Bradford, Pennsylvania.

c. On or about October 7, 2008, defendant **ROBERT REED** attempted to purchase a firearm, namely, a Taurus, Model PT 945, .45 caliber pistol, bearing serial number NAT67616, for defendant **JUAN LOPEZ** from All in One Sports, located in Bradford, Pennsylvania.

d. In connection with the attempted firearm acquisition set forth in (c) above, defendant **ROBERT REED** falsely represented on an ATF Form 4473 that he was to be the actual purchaser of the firearm, when, in fact, defendant **ROBERT REED** was attempting to purchase the firearm for defendant **JUAN LOPEZ**.

e. On or about November 7, 2008, defendant **MISTY MIHALKO** solicited defendant **ROBERT JOHNSON** to purchase a firearm for defendant **JUAN LOPEZ**.

f. On or about November 7, 2008, defendant **ROBERT JOHNSON** purchased a firearm, namely, a Smith & Wesson, SW40VE model, .40 caliber pistol, bearing serial number RAV8816, for defendant **JUAN LOPEZ** from Allegheny Arsenal, located in Bradford, Pennsylvania.

g. In connection with the firearm acquisition set forth in (f) above, defendant **ROBERT REED** falsely represented on an ATF Form 4473 that he was the actual purchaser of the firearm, when, in fact, defendant **ROBERT REED** purchased the firearm for defendant **JUAN LOPEZ**.

h. Following the firearm acquisition set forth in (f) above, defendants **MISTY MIHALKO**, **ROBERT JOHNSON**, and **JUAN LOPEZ** caused the firearm to be transported into the Western District of New York.

i. On or about December 20, 2008, **JACQUELINE RUNYAN** purchased two firearms, namely, a Smith & Wesson, SW40GVE model, .40 caliber pistol, bearing serial number RBJ0761, and a Smith & Wesson, SW40GVE model, .40 caliber pistol, bearing serial number RBA0717, for defendant **JUAN LOPEZ** from All in One Sports, located in Bradford, Pennsylvania..

j. In connection with the firearms acquisition set forth in (i) above, defendant **JACQUELINE RUNYAN** falsely represented on an ATF Form 4473 that she was the actual purchaser of the firearm, when, in fact, defendant **JACQUELINE RUNYAN** purchased the firearms for defendant **JUAN LOPEZ**.

k. Following the firearms acquisition set forth in (i) above, defendants **JACQUELINE RUNYAN** and **JUAN LOPEZ** caused the firearms to be transported into the Western District of New York.

l. On or about December 30, 2008, defendant **JACQUELINE RUNYAN** purchased two firearms, namely, a Walther, P22 model, .22 caliber pistol, bearing serial number L228768, and a Smith & Wesson, SW99 model, .40 caliber pistol, bearing serial number SAJ7941, for defendant **JUAN LOPEZ** from All in One Sports, located in Bradford, Pennsylvania.

m. In connection with the firearms acquisition set forth in (l) above, defendant **JACQUELINE RUNYAN** falsely represented on an ATF Form 4473 that she was the actual purchaser of the firearms, when, in fact, defendant **JACQUELINE RUNYAN** purchased the firearms for defendant **JUAN LOPEZ**.

n. Following the firearms acquisition set forth in (l) above, defendants **JACQUELINE RUNYAN** and **JUAN LOPEZ** caused the firearms to be transported into the Western District of New York.

o. On or about January 23, 2009, defendant **TRISHA AMIDON** purchased three firearms, namely, a Smith & Wesson, SW9VE model, .9 caliber pistol, bearing serial number PDY8709; a Smith & Wesson, SW40VE model, .40 caliber pistol, bearing serial number RCA1503; and a Smith & Wesson, SW9M model, .9 caliber pistol, bearing serial number KAB3159, for **JUAN LOPEZ** from All in One Sports and Allegheny Arsenal, located in Bradford, Pennsylvania.

p. In connection with the firearms acquisition set forth in (o) above, defendant **TRISHA AMIDON** falsely represented on an ATF Form 4473 that she was the actual purchaser of the firearm, when, in fact, defendant **TRISHA AMIDON** purchased the firearms for defendant **JUAN LOPEZ**.

q. Following the firearms acquisition set forth in (o) above, defendants **TRISHA AMIDON** and **JUAN LOPEZ** caused the firearms to be transported into the Western District of New York.

**All in violation of Title 18, United States Code, Section 371.**

## **COUNT 2**

**(Transporting Firearms into State of Residence)**

**The Grand Jury Further Charges That:**

Between on or about November 7, 2008, and in or about December 2008, the exact dates being unknown, in the Western District of New York, and elsewhere, the defendants, **JUAN LOPEZ**, **ROBERT JOHNSON**, and **MISTY MIHALKO**, not being licensed importers, manufacturers, dealers and collectors of firearms, within the meaning of Chapter 44 of Title 18, United States Code, did willfully transport into, and receive in, the State where defendant **JUAN LOPEZ** resided, to wit, the State of New York, a firearm, namely, a Smith & Wesson, SW40VE model, .40 caliber pistol, bearing serial number RAV8816, which was purchased and otherwise obtained by defendants **JUAN**

**LOPEZ, ROBERT JOHNSON** and **MISTY MIHALKO** outside of the State of New York, to wit, in the State of Pennsylvania.

All in violation of Title 18, United States Code, Sections 922(a)(3), 924(a)(1)(D) and 2.

**COUNT 3**

**(Transporting Firearms into State of Residence)**

**The Grand Jury Further Charges That:**

Between on or about December 20, 2008, and in or about January 2009, the exact dates being unknown, in the Western District of New York, and elsewhere, the defendants, **JUAN LOPEZ** and **JAQUELINE RUNYAN**, not being licensed importers, manufacturers, dealers and collectors of firearms, within the meaning of Chapter 44 of Title 18, United States Code, did willfully transport into, and receive in, the State where defendant **JUAN LOPEZ** resided, to wit, the State of New York, firearms, namely, a Smith & Wesson, SW40GVE model, .40 caliber pistol, bearing serial number RBJ0761; a Smith & Wesson, SW40GVE model, .40 caliber pistol, bearing serial number RBA0717; a Walther, P22 model, .22 caliber pistol, bearing serial number L228768; and a Walther/Smith & Wesson, SW99 model, .40 caliber pistol, bearing serial number SAJ7941, which were purchased and otherwise obtained by defendants **JUAN LOPEZ** and **JAQUELINE RUNYAN** outside of the State of New York, to wit, in the State of Pennsylvania.

All in violation of Title 18, United States Code, Sections 922(a)(3), 924(a)(1)(D) and 2.

COUNT 4

(Transporting Firearms into State of Residence)

The Grand Jury Further Charges That:

Between on or about January 23, 2009, and in or about February 2009, the exact dates being unknown, in the Western District of New York, and elsewhere, the defendants, **JUAN LOPEZ** and **TRISHA AMIDON**, not being licensed importers, manufacturers, dealers and collectors of firearms, within the meaning of Chapter 44 of Title 18, United States Code, did willfully transport into, and receive in, the State where **JUAN LOPEZ** resided, to wit, the State of New York, firearms, namely, a Smith & Wesson, SW9VE model, .9 caliber pistol, bearing serial number PDY8709; a Smith & Wesson, SW40VE model, .40 caliber pistol, bearing serial number RCA1503; and a Smith & Wesson, SW9M model, .9 caliber pistol, bearing serial number KAB3159, which were purchased and otherwise obtained by defendants **JUAN LOPEZ** and **TRISHA AMIDON** outside of the State of New York, to wit, in the State of Pennsylvania.

All in violation of Title 18, United States Code, Sections 922(a)(3), 924(a)(1)(D) and 2.

COUNT 5



**(Conspiracy to Possess with Intent to  
Distribute and to Distribute Cocaine Base)**

**The Grand Jury Further Charges That:**

Between in or about March 2008 and in or about August 2009, the exact dates being unknown, in the Western District of New York, and elsewhere, the defendant, **JUAN LOPEZ**, did knowingly, willfully and unlawfully combine, conspire and agree with others, known and unknown, to commit the following offenses, that is, to possess with intent to distribute, and to distribute, cocaine base, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**All in violation of Title 21, United States Code, Section 846.**

**COUNT 6**

**(Possession of Firearm in  
Furtherance of Drug Trafficking)**

**The Grand Jury Further Charges That:**

Between in or about March 2008 and in or about August 2009, the exact dates being unknown, in the Western District of New York, and elsewhere, the defendant, **JUAN LOPEZ**, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, a violation of Title 21, United States Code, Section 846, as set forth in Count 5 of this Indictment, the allegations of which are incorporated herein by reference, did knowingly and unlawfully possess firearms.

All in violation of Title 18, United States Code, Section 924(c)(1).

COUNT 7

(Felon in Possession of Firearm)

The Grand Jury Further Charges That:

Between in or about March 2008 and in or about August 2009, the exact dates being unknown, in the Western District of New York, and elsewhere, the defendant, **JUAN LOPEZ**, having been convicted on or about June 6, 2005, in County Court, Erie County, New York, of a crime punishable by imprisonment for a term exceeding one year, unlawfully did knowingly possess, in and affecting commerce, firearms, namely, a Smith & Wesson, SW40VE model, .40 caliber pistol, bearing serial number RAV8816; a Smith & Wesson, SW40GVE model, .40 caliber pistol, bearing serial number RBJ0761; a Smith & Wesson, SW40GVE model, .40 caliber pistol, bearing serial number RBA0717; a Walther, P22 model, .22 caliber pistol, bearing serial number L228768; a Walther/Smith & Wesson, SW99 model, .40 caliber pistol, bearing serial number SAJ7941; a Smith & Wesson, SW9VE model, .9 caliber pistol, bearing serial number PDY8709; a Smith & Wesson, SW40VE model, .40 caliber pistol, bearing serial number RCA1503; a Smith & Wesson, SW9M model, .9 caliber pistol, bearing serial number KAB3159; and a Norinco, model SKS, 7.62x39 caliber rifle, bearing serial number 9450045.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT 8

(Possessing and Selling Stolen Firearms)

The Grand Jury Further Charges That:

Between on or about January 8, 2009, and on or about January 9, 2009, in the Western District of New York, the defendant, **BRETT ABRAMS a/k/a Redeye**, did knowingly receive, possess, conceal, store, barter, sell and dispose of a stolen firearm, namely, a Norinco, model SKS, 7.62x39 caliber rifle, bearing serial number 9450045, which had been shipped and transported in interstate commerce, knowing and having reasonable cause to believe that the firearm was stolen.

All in violation of Title 18, United States Code, Sections 922(j) and 924(a)(2).

FORFEITURE ALLEGATION

The Grand Jury Alleges That:

Upon conviction of any offense alleged in Counts 1 through 7 of this Indictment, the defendants, **JUAN LOPEZ, ROBERT REED, JAQUELINE RUNYAN, ROBERT JOHNSON and TRISHA AMIDON**, shall forfeit to the United States any firearms and ammunition involved or used

in the commission of the offense, or found in the possession or under the immediate control of the defendants, including, but not limited to:

- a. a Norinco, Model SKS, 7.62x39 caliber rifle, bearing serial number 9450045;
- b. a Walther, P22 model, .22 caliber pistol, bearing serial number L228768;
- c. a Smith & Wesson, SW40VE model, .40 caliber pistol, bearing serial number RCA1503;
- d. a Smith & Wesson, SW9M model, .9 caliber pistol, bearing serial number KAB3159;
- e. a Smith & Wesson, SW40VE model, .40 caliber pistol, bearing serial number RAV8816;
- f. a Smith & Wesson, SW40GVE model, .40 caliber pistol, bearing serial number RBJ0761;
- g. a Smith & Wesson, SW40GVE model, .40 caliber pistol, bearing serial number RBA0717;
- h. a Walther/Smith & Wesson, SW99 model, .40 caliber pistol, bearing serial number SAJ7941; and
- i. a Smith & Wesson, SW9VE model, .9 caliber pistol, bearing serial number PDY8709.

**All pursuant to the provisions of Title 18, United States Code, Sections 924(d) and 3665, and Title 28, United States Code, Section 2461(c).**

DATED: Buffalo, New York, September 20, 2012.

WILLIAM J. HOCHUL, JR.  
United States Attorney

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A TRUE BILL:

S/FOREPERSON  
FOREPERSON